BILL ANALYSIS

Senate Research Center   S.B. 1572
87R11420 MLH-D   By: Paxton
                                                                                      State Affairs
                                                                                         4/21/2021
                                                                                          As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Counties have the option for paper ballots to be pre-numbered before an election. These numbers are assigned at random through ES&S computer software, and only the software knows the ballot numbers assigned to the voters. Section 52.062 of the Election Code requires that ballots are supposed to be consecutively numbered. The secretary of state's election advisory note enables counties to choose this option, but this does not follow the law according to the Election Code. Having one county follow the Election Code while another can have the choice not to leads to an incoherent and unfair process.

The authority in charge of a polling place during early voting by personal appearance is a "deputy early voting clerk," while an "election judge" is in charge of voting by personal appearance on election day. The Election Code dictates that an early voting clerk, who is charged with custody of all voted ballots, must sign the back of early voting ballots. However, the deputy early voting clerk does not have to sign the ballots. With 70 percent of the votes cast in November 2020 during early voting, requiring both clerks to sign the back of paper ballots improves the ballot chain of custody.

Legislation will require "deputy early voting clerks" to sign ballots for each in-person voter, which will improve ballot chain of custody. Additionally, it will set provisions for a county that seeks to use the alternative option provided by the secretary of state and disclose this to voters on election websites.

As proposed, S.B. 1572 amends current law relating to the numbering and signing of ballots by early voting clerks and deputy early voting clerks.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 85.0311, Election Code, as follows:

> Sec. 85.0311. New heading: DEPUTY EARLY VOTING CLERK TO SIGN BALLOTS. (a) Requires that the deputy early voting clerk's signature or initials be placed on the back of each ballot to be used at the polling place where the deputy early voting clerk accepts voters voting by personal appearance, rather than requiring the early voting clerk's signature be placed on the back of each ballot to be used at the polling place.
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> > (b) Requires the deputy early voting clerk at a polling place to enter the signature or initials of the deputy early voting clerk on each ballot and makes conforming changes. Deletes existing text requiring a deputy early voting clerk to stamp a facsimile of the early voting clerk's initials on each ballot.

(c) Provides that the signing of ballots under this section need not be completed before the polls open, but prohibits an unsigned ballot from being made available for selection by a voter.

SECTION 2. Amends Section 122.001, Election Code, by amending Subsection (c) and adding Subsections (f), (g), and (h), as follows:

(c) Authorizes the standards for voting systems prescribed by the secretary of state to apply to particular kinds of voting systems, to particular elements comprising a voting system, including operation procedures, or to voting systems generally, provided that the county or political subdivision providing the voting system:

(1) can demonstrate a specific inability to comply with a provision of this code; and

(2) has applied to and received written approval from the secretary of state for waiver from this code specifying:

(A) the election and election date to be affected; and

(B) the specific inability to comply with a provision of this code.

(f) Requires that waivers issued by the secretary of state under Subsection (c) be addressed and requested separately by a county or political subdivision for each election.

(g) Requires the secretary of state to attach the approval order to the approval request for each applicable election under Subsection (c) and retain it permanently on file.

(h) Requires that waivers granted under Subsection (c) be posted on the Internet website of the requesting county or political subdivision not less than 60 days before the first day of the early voting period and remain posted during the affected election.

SECTION 3. Repealer: Section 62.008(b) (relating to requiring a presiding judge to sign or a facsimile of the judge's signature to be stamped on each ballot), Election Code.

SECTION 4. Effective date: September 1, 2021.